

# NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

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Philadelphia, Pa.

## Alabama C.O. Ordered Deported

### Vail Palmer Convicted

After nine months of weighing the pros and cons Judge Allan K. Grim in U.S. District Court in Philadelphia has found Vail Palmer guilty of refusing to report for induction. Palmer, CCCO administrative assistant, was tried October 1, 1953, and the order denying a motion for acquittal was signed July 1, 1954.

Vail Palmer previously served a year and a day sentence at Danbury, Conn., for refusal to register. He is the thirteenth conscientious objector since 1943 to be prosecuted a second time by the Department of Justice for continued refusal to cooperate with conscription.

Harrop Freeman, defense attorney, argued that the order to report for induction was void because of the draft board's arbitrary decision to classify Palmer I-A. Judge Grim conceded that Palmer was obviously a sincere C.O. eligible for I-O classification and with nothing in the file to dispute the fact. At the time he was ordered to report for induction Palmer was a theological student at Oberlin College. Grim pointed out that this should have resulted in a regular student deferment or a IV-D classification as a ministerial student. However, Grim held that since no appeal was taken from the I-A classification he would not invalidate the induction order.

The failure to appeal and otherwise "exhaust the administrative remedies" has been the legal problem in finding a successful defense for the non-registrant or absolutist objector. The registrants who hold this point of view will not resort to the use of a law they consider evil, even when such resort would save them from prison.

The Palmer case is unusually clear in respect to the court record and District Judge's opinion showing the arbitrary classification action of the local board. The conviction will be appealed, and it is expected that Palmer will continue free on bond while the appeal is pending. No date for sentencing has been set as we go to press.

### Third Prosecution Pending

Following this successful series of second prosecutions, the groundwork for a possible third prosecution is apparently being laid by Selective Service at this time. Appeals are being made to General Hershey to prevent this persecution of a religious minority which believes all cooperation with conscription to be evil.

Publication of the details of the case is being held up by NEWS NOTES pending final decision by the Selective Service System to initiate prosecution or to exercise its authority to at least see that the registrant is properly classified.

### Immigration Officer Finds Butgereit Left U.S. to Evade Draft

In a decision issued July 1, Fred P. McCleskey, Special Inquiry Officer for the Mobile, Alabama, office of the Immigration and Naturalization Service, concluded that Roy Butgereit left this country to evade the draft. As the result of this conclusion he ordered Butgereit deported. Actual deportation has been stayed pending an appeal to the Board of Immigration Appeals.

Butgereit is a victim of the new Immigration and Nationality Act which went into effect in December of 1953 after Congress overrode President Truman's veto. (Note: This law is sometimes called the McCarran Act but is more correctly called the McCarran-Walter Act. It should not be confused with the Internal Security Act of 1950, the original McCarran Act.) One of the provisions of this law is that even citizens born in this country lose their citizenship for leaving the country to avoid military duty.

On October 31, 1950, his 18th birthday, Roy Butgereit left his home at Fairhope, Alabama, to go to the Friends' community in Costa Rica. He left without registering for the draft, but he registered at the U.S. consulate in Costa Rica when required to do so by a Presidential Proclamation. He returned to this country in October of 1953 expecting to do two years of civilian work as a conscientious objector. However, his local board classified him I-A, and his appeal from that classification is still pending. At no time has he been charged with violation of the draft law.

Although Butgereit was born and raised in this country McCleskey refers to him as an alien throughout the discussion of the hearing and his presentation of his conclusions. The first finding of "fact" was "That the respondent is an alien, a native of the United States, presently stateless."

The Central Committee for Conscientious Objectors is carrying the defense on this case with Oliver Stone of Washington, D.C., retained as counsel. Stone is former counsel for the International Refugee Organization and a specialist on immigration law.

The date has not been set for argument on the appeal. If the deportation order is upheld by the Board of Immigration Appeals the case will be taken to the Federal Courts. The Constitutionality of depriving an American-born citizen of his citizenship is questionable, but the issue has not yet been before the courts.

## Larry Atkins Released

August 2nd Larry Atkins was released from the Federal Reformatory at Petersburg, Virginia. For three years, five months and seventeen days he was locked up by the U.S. Government for refusing to sign his name on a draft card. He thus won the rather dubious honor of apparently being the most dangerous conscientious objector in the United States convicted since the 1948 law went into effect. At least, he has served more time in prison than any other objector during that period.

At the time he was sentenced Atkins was 18 years old. Judge William C. Coleman in U.S. District Court at Baltimore, Md., gave him a 4½ year sentence February 16, 1950. The judge also bitterly reprimanded the American Friends Service Committee for asking to use Atkins in Mexico on probation. Judge Coleman, who is still dispensing justice in the same court, also berated Atkins' father and suggested a possible prosecution for counseling and abetting the son.

Larry Atkins is one of the few C.O.'s who has been denied parole for violating the present draft law. Nobody doubted his sincerity as a conscientious objector or accused him of communist leanings. However, he was friendly with communists the U.S. Government imprisoned with him, and he refused to promise to choose his associates in the outside world on the basis of their political opinions. His application for parole was denied, and he declined to resubmit it, although he might have been paroled subsequently. The Board of Parole would not officially reconsider the case without another request from Atkins.

He has now been given a conditional release which is provided by law for men earning "good time" credit against their sentences.

## German Objectors Organize

(Reprinted from *The Evening Bulletin*, Philadelphia, July 12, 1954)

Bonn, Germany, July 12—(AP) Young Germans liable for future military service will have a privilege denied their grandfathers and fathers under the Kaiser and Hitler. They will be able to claim exemption from the draft on grounds of conscience.

The West German Defense Commission, headed by Theodor Blank, is drafting a law containing detailed provisions for the treatment of conscientious objectors. No details are known, but Blank says only members of religious groups which reject armed force can object to military service.

This definition has aroused a new organization, the "Group of Military Service Rejectors." The group, of some 300 young men, is led by a former German paratrooper, Hans-Herman Koeper, a quiet 29-year-old student of the arts living in Cologne.

Koeper denies that Blank's definition is the right interpretation of the provision in West Germany's constitution that nobody can be forced to "war service under arms against his conscience." . . .

The organization is establishing "consultation centers" for potential objectors in 25 West German cities. As soon as the draft comes the organization will provide members with legal aid to defend them before the draft boards.

## Bryan Labeled Psychotic

Clarence Bryan, a conscientious objector serving a five year sentence at the Medical Center for Federal Prisoners at Springfield, Missouri, has been certified as psychotic by staff doctors. The original certification was made at McNeil Island after Bryan did not show up for one count while assigned to the prison camp.

Bryan is a Mormon, and the church will give no support to its conscientious objectors. CCCO representatives have been visiting Bryan regularly, and they feel that the certification of Bryan as psychotic is questionable, although they admit they have no competence as judges of mental health.

However, Bryan carries on a regular inmate job in the institution without difficulty; he has no history of previous mental illness; he has no previous "criminal" record; and has not received electric shock, psychoanalysis or anything else recognized as treatment by him or reported to CCCO as treatment since his incarceration.

When Lyle Tatum, CCCO secretary, visited Bryan in July he had not been interviewed by a doctor since March. The March interview was given only as a result of a CCCO request of the Bureau of Prisons for a report on the case.

The serious handicap to Bryan because of the psychotic label is that he is not eligible for parole or even conditional release unless the label is removed. Thus the harshness of a five year sentence is compounded by the possibility of having to serve every day of the five years in a prison mental hospital. Bryan was eligible for parole July 16, but his case could not even be considered by the Parole Board.

## Names Repeated

The LaPortes and Breaults listed under "arrests" in the Court Reporter column are members of the Holy Ghost Mission Church in Los Angeles. The duplication in names is a fact and not a CCCO or printer's error.

Another Eugene Breault from the same group was placed on probation for three years by Judge Peirson Hall in Los Angeles September 21, 1953.

## R.O.T.C. Exemptions Granted

A recent report by ministers of the Church of the Brethren indicates that at least the following land grant colleges with compulsory R.O.T.C. grant exemptions to conscientious objectors:

Colorado A & M, U. of Delaware, U. of Hawaii, Purdue U., Iowa State College, U. of Missouri, Montana State College, U. of New Hampshire, Rutgers U., Cornell U., North Carolina State College, Penna. State College, U. of Rhode Island, U. of Vermont, Virginia Polytech., U. of Wisconsin.

The University of Minnesota is the only land grant school which has R.O.T.C. on a voluntary basis. A number of schools replied to the questionnaire that the question of conscientious objection had never been raised.

## Federal Judge Denounces FOR

A federal Judge, the American Legion, the daily newspaper, the local Fellowship of Reconciliation group, the school board, and apparently a good many of the other citizens of Brattleboro, Vermont, all got involved in a public argument and discussion recently about letting provisions for C.O.'s be known.

The incident was set off by an Air Force recruiting officer speaking to a compulsory high school study hall in the Brattleboro Public School. The Fellowship of Reconciliation, a national Christian pacifist organization, then sent a delegation of four persons to the school board meeting May 25 to ask that school time be given to the FOR to explain about the C.O. provisions of the draft law.

The request brought an immediate antagonistic response from Legionnaires. The local paper, *The Brattleboro Daily Reformer*, suggested editorially that everyone should be familiar with the draft law and that it should be explained to the students by an impartial person rather than the FOR or the armed forces. The FOR publicly accepted this proposal in a letter to the editor which was published.

June 4 the American Legion held a meeting at which, according to the *Brattleboro Reformer* report, they took a "vehement stand" and unanimously adopted a resolution opposing the "preaching of pacifist doctrines by the Fellowship of Reconciliation in the schools of Brattleboro."

U.S. District Court Judge Ernest W. Gibson, senior vice-commander of the Legion, blasted heavily at the ideas of the FOR, denounced it as "propaganda under the guise of free speech" . . . "opposition to a policy of the United States," etc. However, the judge granted that the FOR had the right to spread their propaganda on the streets and said he'd furnish a soapbox for that purpose.

The judge found the FOR statement of purpose to be a good example of the obnoxious teachings of the FOR and quoted from it as follows:

"The Fellowship of Reconciliation is a movement inspired out of the despair felt by all men of good will at the outbreak of World War I. Its leading spirits sought to bring into contact all who were of the opinion that no human conflict is ever resolved by violence, hate or war. To that end the organization was born in London. Today it counts members in all the continents of the world. They stand unalterably opposed to military conflict and preparedness. In its stead they place an activist drive to bridge all human conflict, national, class and personal, by mutual respect and common understanding."

A two column editorial explaining the legal provisions for conscientious objectors and a number of letters to the editor on the subject were also printed. Most persons eventually seemed to conclude that it was legitimate to at least explain all of the provisions of the draft law.

The FOR group in Brattleboro was just recently organized. Many of the members are conscientious objectors assigned to hospital work in Brattleboro.

## Appeal Committee Formed

The Fellowship of Reconciliation executive committee for the state of Minnesota has set up an appeal committee to raise funds to carry the Doty case to the Circuit Court. The four Doty brothers have each been given two year sentences on a second prosecution for refusal to cooperate with Selective Service. (For details see NEWS NOTES, April, 1954.) They are free on bond while the appeal is pending.

The Dotys are challenging the right of the prison officials to register them involuntarily and for the local board to order them to report for induction on the basis of that registration and subsequent I-A classification. The defense attorney is Chester Bruvold of Minneapolis.

The entire costs of their first prosecution, plus bond fees and other incidental expenses on the second prosecution have been paid personally by the Dotys. However, the instigation of the second prosecution following the first prison sentences has made it difficult for them to earn enough income to pay for an appeal which will cost a minimum of \$2,000.

Readers of NEWS NOTES who would like to assist in carrying these costs of defending conscience in court should send contributions to Arthur Sternberg, Treasurer, Doty Appeal Committee, 1563 Fairmount Ave., St. Paul 5, Minnesota.

## Conscience and the State

By JULIEN CORNELL

This book covers the legal and administrative problems of conscientious objectors during 1943 and 1944. It is complete in itself, but it follows and reviews changes after the author's earlier work, *The Conscientious Objector and the Law*. This book is a valuable addition to pacifist libraries as a portion of C.O. history and also interesting reading for comparison with C.O. problems of today. Originally sold for \$1.00. Through the courtesy of the author and John Day Company we are able to offer this book (92pp, paperback) to the readers of NEWS NOTES for - - -

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## THE COURT REPORTER

### I PROSECUTIONS

#### *Sentence confirmed since last issue*

- Date ? Robert Hollingshead, 1 year and 1 day, (Sacramento, Cal.)  
 3-8-54 Ervin Waters, 1 year and 1 day, (Fresno, Cal.) Judge Campbell Beaumont  
 3-10-54 John Paul Bendik, 3 years, (New York, N. Y.) Judge Aloysius Connor, free on bond, appeal pending  
 4-26-54 Carl Nead, 3 years, (South Bend, Ind.) Judge Luther Swygert  
 4-26-54 Ronald Wrightsman, 2½ years, (South Bend, Ind.) Judge Luther Swygert

#### *Sentenced since last issue*

- 6-25-54 Thomas de Lime, 1 year, (Newark, N.J.) Judge Alfred Modarelli, free on bond, appeal pending

#### *Acquittal*

- 6-2-54 Abraham Borntreger, (Des Moines, Iowa) Judge William Riley

#### *Arrests since last issue*

- California—Locke McCorkle, Eugene LaPorte, Eugene LaPorte, Eugene Richter LaPorte, Eugene Richter Breault, Erl Breault, Erl LaPorte, LaFleche LaPorte  
 (All prosecutions for refusal to report for or submit to induction unless otherwise noted.)

### II RELEASED FROM PRISON

#### *On parole*

- Date ? Ted Head  
 Date ? Ervie Daniels  
 Date ? Harold Bohlman  
 4-27-54 Robert McCorkle  
 6- - -54 Kenneth Owens  
 7- - -54 Marvin Watkins

#### *Conditional release*

- 8-2-54 Larry Atkins

#### *Good time*

- 7-26-54 Israel Feuer

### III MEN CURRENTLY IMPRISONED

- Chillicothe, Ohio—Manas Kuhns, Freeman Wingard, Charles Wenger  
 Danbury, Conn.—Richard Blazej, Harry Nugent, Carl Mascaro, Louis Mascaro, James Playford, Francis Playford, Saul Wider

## Doctors' Draft Modified

Congress has passed a new amendment to the so-called Doctors' Draft which allows the armed forces to use drafted doctors without granting them commissions. The change came as the result of court decisions holding that under the law as then written drafted doctors must be commissioned or released.

The difficulty arose over the fact that some draftees would not sign the required loyalty oath, and they could not be given commissions without signing.

The armed forces have not yet solved their dilemma as to how to handle the cases of draftees who are admitted Communists or thought to be subversive by the Defense Department for some other reason. They do not want these persons in the armed forces to subject the Defense Department to possible political embarrassment, and they are afraid to get into a position where they have to release any man who says, "I am a Communist." Senator McCarthy has pointed to the labor camps used for conscientious objectors during World War II and suggested that as the proper way to handle drafted subversives.

Florence, Ariz.—Donald Rowland, William Weir McNeill  
 Island, Wash.—Glenn Peters, Monty Prothero

Milan, Mich.—Carl Nead, Ronald Wrightsman  
 Petersburg, Va.—Carl Nickel, Finley Cerwithian  
 Springfield, Mo.—Clarence Bryan, Emanuel Miller, Melvin Chupp, Howard Roberson, Burton Rosen, Henry Adamowicz, John Forbes, Ralph Dorn, Bradford Lyttle

Tucson, Ariz.—Fred Hildebrand, Gaetano Brancalone, Glenn James, Robert Kent, W. L. Stevens, Jack Parkhurst, Edward Reed, Gordon Carey, Leo Baldwin, Robert Hollingshead, Ervin Waters

Institution not verified—Raymond Skinner, P. A. Nazeroff, William Chernikoff, Bill Passmore, William Moser, George Lillis, Arthur Duffy

Total number of C.O.'s convicted since 1948 to date: 270 (This is a minimum number, since J.W.'s and Muslims are not included, and we miss a few).

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 2006 Walnut Street  
 Philadelphia 3, Pa.

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